

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF AUGUST 2010, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Angelina Sarina, a seventh-grade student at Lois Hornsby Middle School, led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Boulevard, commented on pollution in the Chesapeake Bay in relation to Lake Powell.

2. Mr. Jack Fowler, 109 Wilderness Lane, commented on necessary road repairs at Croaker Road and Rochambeau Road; and the stormwater management referendum and its impacts on pollution.

3. Mr. David Neiman, 105 Broomfield Circle, commented on forums held for the Zoning Ordinance update, specifically the wireless communications facility policy. He commented that new technology should be supported and a Special Use Permit (SUP) process should be required for towers in residential areas.

4. Ms. Linda Riese, 511 Spring Trace, commented on the development of Autumn West and the impacts on her neighborhood. She commented that the County should purchase the environmentally-sensitive property in the area of this development.

5. Ms. Dorothy Piper, 501 Spring Trace, commented on the development of Autumn West and the impacts on Season's Trace. She expressed her concern for the preservation of the environmentally sensitive properties nearby. She commented on the high-density development that is proposed for the area.

6. Mr. Ed Oyer, 139 Indian Circle, commented on the sacrifice of veterans; traffic on Route 60 East; and potential flooding at the Autumn West development.

F. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the items on the Consent Calendar.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

1. Minutes –
 - a. July 27, 2010, Work Session
 - b. July 27, 2010, Regular Meeting
2. Code Violation Lien – Trash and Grass Lien – 105 Mahogany Lane

RESOLUTION

CODE VIOLATION LIEN – TRASH AND GRASS LIEN – 105 MAHOGANY LANE

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Kareem and Share Burgess
105 Mahogany Lane
Williamsburg, VA 23185-6023

DESCRIPTION: 105 Mahogany Lane

TAX MAP/PARCEL NOS.: (52-3)(09-0-0015)
James City County, Virginia

FILING FEE: \$10.00

TOTAL AMOUNT DUE: \$435.00

3. Transfer of Williamsburg Area Transit Authority (WATA) Assets

RESOLUTION

TRANSFER OF WILLIAMSBURG AREA TRANSIT AUTHORITY (WATA) ASSETS

WHEREAS, the cooperative service agreement between the County and Williamsburg Area Transit Authority (WATA) dated August 28, 2008, authorized transfer of \$7,256,210 in assets; and

WHEREAS, the County has additional assets to transfer to WATA with a net value of \$270,641.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes transfer of the assets below to WATA:

<u>Asset Description</u>	<u>Vendor</u>	<u>Purchase Date</u>	<u>Net Value</u>
Furniture System (Modular Furniture)	Mega Office Furniture	7-19-1999	\$ 0
GFI Fareboxes	GFI Genfare	1-28-2002	11,361
Telephone System	Sprint	3-14-2005	4,088
Panasonic Laptop	GFI Genfare	9-30-2005	1,875
2006 Optima Bus Trolley	American Heritage	12-18-2006	214,300
Sharp MX 3500N Color Copier	Powers Business Machine	5-30-2007	4,355
2009 Ford Escape	Crossroad Motors of Virginia	4-27-2009	17,331
2009 Ford Escape	Crossroad Motors of Virginia	4-27-2009	<u>17,331</u>
Total			<u>\$270,641</u>

4. Approval of Exemption to Regulation Issued by the Virginia Department of Health, Office of Emergency Medical Services

RESOLUTION

APPROVAL OF EXEMPTION TO REGULATION ISSUED BY THE VIRGINIA

DEPARTMENT OF HEALTH, OFFICE OF EMERGENCY MEDICAL SERVICES

WHEREAS, Nicholas Klimenko, former program director and Instructor with the Center for Emergency Health Services (CEHS) must be accredited in order to teach Emergency Medical Technician (EMT) Intermediate and EMT Paramedic courses in the Commonwealth; and

WHEREAS, CEHS was the holder of the Program Accreditation for teaching the above-named courses; and

WHEREAS, Nicholas Klimenko has the requisite training, certifications, and knowledge for a former accredited program to teach the Intermediate and Paramedic programs; and

WHEREAS, Nicholas Klimenko has received the Office of Emergency Medical Services (OEMS) accreditation at the Intermediate level and has applied to the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) for accreditation at the Paramedic level; and

WHEREAS, the Instructor and OEMS desire to cooperate to ensure that Emergency Medical Services (EMS) courses are allowed to continue in the best interest of the community; and

WHEREAS, Nicholas Klimenko has a desire to conduct EMS training programs which require program site accreditation without possessing CoAEMSP accreditation; and

WHEREAS, it is in the general interest of OEMS to promote the education of EMS personnel in the Commonwealth in order that they become qualified or better qualified EMS health care personnel; and

WHEREAS, to allow Nicholas Klimenko to continue to teach these courses, he must obtain an exemption from, Virginia EMS Regulations 12VAC5-31-50 while awaiting CoAEMSP Accreditation; and

WHEREAS, Section 32.1-111.9 of the *Code of Virginia* requires that an application for a variance or exemption from any regulations promulgated pursuant to this chapter shall be reviewed by the governing body of the jurisdiction in which the principal office or legal residence of the agency, entity, or provider, licensed or certified by OEMS, is located.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the exemption request for Nicholas Klimenko to continue to deliver EMT-Paramedic courses through December 31, 2012, at which time Nicholas Klimenko must obtain CoAEMSP accreditation by January 1, 2013.

5. Appointment of Animal Control Officer

RESOLUTION

APPOINTMENT OF ANIMAL CONTROL OFFICER

WHEREAS, the Board of Supervisors of James City County is authorized to appoint Animal Control Officers; and

WHEREAS, the Animal Control Officers are vested with the authority to enforce the animal laws in the County pursuant to Virginia Code Sections 3.1-796.66 et seq. and James City County Code Section 3-2.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Chad Majette is hereby appointed Animal Control Officer for James City County, Virginia.

At 7:23 p.m. Mr. Kennedy recessed the Board for a brief meeting of the James City Service Authority (JCSA) Board of Directors.

At 7:26 p.m. Mr. Kennedy reconvened the Board.

G. PUBLIC HEARINGS

Mr. Kennedy recognized Mr. Reese Peck in attendance as a representative from the Planning Commission.

1. Case No. Z-0001-2010. Fast Food Restaurant at 8953 Pocahontas Trail (Deferral requested until September 14, 2010)

Mr. Chris Johnson, Principal Planner, stated that the applicant has requested a deferral until September 14, 2010. Staff recommended deferral.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak to this matter, the Public Hearing remained open.

2. Case No. Z-0001-2009/SUP-000702010/MP-0001-2009. Colonial Heritage Deer Lake (deferred from July 13, 2010)

Mr. Johnson stated that the applicant has requested an indefinite deferral until the Board of Supervisors reviews its Rural Lands policy. Staff recommended deferral of this item.

Mr. Kennedy opened the Public Hearing.

1. Mr. John Haldeman, 1597 Founder's Hill North, on behalf of James City County Citizens Coalition (J4C), stated that the J4C thanks the Board for its prudence and opposition to this case absent discussion on the County's Rural Lands policy. Mr. Haldeman commented on larger issues such as zoning and subdivision ordinance revisions and stated that the Board was wise to forestall a decision on this application.

As no one else wished to speak to this matter, the Public Hearing remained open.

3. Case No. SUP-0014-2010. Grove Christian Outreach Center

Mr. Jose Ribeiro, Senior Planner, stated that Mr. Vernon Geddy has applied for an SUP to allow the construction of a house of worship with outreach services as an accessory use on two parcels located along Pocahontas Trail in the Grove area of James City County. The property is zoned Limited Business, LB, and designated Neighborhood Commercial by the 2009 Comprehensive Plan. A house of worship is a by-right use in the Limited Business Zoning District; however, Section 24-370(d) of the Zoning Ordinance, requires an SUP for any building that exceeds 2,750 square feet of building footprint in areas that are designated Neighborhood Commercial on the Comprehensive Plan.

Staff found the proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff also finds this proposal consistent with the Design Standards of the Limited Business Zoning District and the County's Neighborhood Commercial Development Standards Policy.

At its meeting on July 7, 2010, the Planning Commission recommended approval of this application by a vote of 6-0.

Staff recommended approval of the resolution.

Mr. Icenhour asked about parking on the property. He stated that he thought the estimate of one space per four people was low. He asked if this should be changed.

Mr. Ribeiro stated that this use was not explicit in the ordinance, but staff believed the number of parking spaces was sufficient.

Mr. Icenhour asked if this was sufficient for the property if the function was solely as a church.

Mr. Ribeiro stated that the church requirement was one space per five seats.

Mr. Kennedy opened the Public Hearing.

1. Mr. Vernon Geddy, III, on behalf of the applicant, reviewed the history of the Grove Christian Outreach Center and Community Church and its mission and programs. He reviewed the proposed site location of the project, layout, and architectural elevations. He noted that a community meeting was held in April 2010, which met support from the community and there was unanimous Planning Commission support. He requested approval of the application.

2. Ms. Rebecca Knowles, 137 Jefferson's Hundred, Board Member of the Grove Christian Outreach Center, stated her support and requested approval of the application. She reflected on the services provided by the center and its assistance to the Grove community.

3. Ms. Deborah Jackson, 613 Scotland Street, stated that she was declared legally blind and was inspired by the people at the Grove Christian Outreach Center to help the needy as a volunteer. She requested approval of the application.

4. Mr. Ed Oyer, 139 Indian Circle, commented on the impact the center has on the community. He stated concern about adequate parking being provided and that parking should not be allowed on Route 60.

As no one else wished to speak to this matter, Mr. Kennedy closed the Public Hearing.

Mr. Goodson made a motion to adopt the resolution. He commented on his frustration that though the facility is by-right in the zoning district, since the building was over 2,750 square feet, the SUP was required. He commented on the impact of this organization on the community.

Ms. Jones thanked the individuals involved for their service.

Mr. McGlennon commented that though the process was cumbersome, it allowed the story of this project to be broadcast further.

Mr. Icenhour thanked the individuals involved for their service to the community.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

RESOLUTION

CASE NO. SUP-0014-2010. GROVE CHRISTIAN COMMUNITY CHURCH

AND OUTREACH CENTER

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Vernon Geddy has applied on behalf of Grove Christian Community Church and Outreach Center for an SUP to allow for the construction of a house of worship and accessory uses in excess of 2,750 square feet on two parcels of land zoned LB, Limited Business District; and

WHEREAS, the proposed development is shown on a plan prepared by AES Consulting Engineers, dated May 26, 2010 (the “Master Plan”) and entitled “ Master Plan for Grove Christian Outreach”; and

WHEREAS, the properties are located at 8798 and 8800 Pocahontas Trail and can be further identified as James City County Real Estate Tax Map Parcel 5910100026 and 5910100027; and

WHEREAS, the Planning Commission, following its public hearing on July 7, 2010, voted 6-0 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0014-2010 as described herein with the following conditions:

1. **Master Plan:** This SUP shall be valid for the construction of building(s) totaling approximately 5,700 square feet and associated future building expansion of approximately 2,700 square feet on the property located at 8798 and 8800 Pocahontas Trail and further identified as James City County Real Estate Parcel Nos. 5910100026 and 5910100027 (together, the “Property”). Development of the Property shall be generally in accordance with the Master Plan entitled “Master Plan for Grove Christian Outreach” prepared by AES Consulting Engineers dated May 26, 2010, and revised on June 21, 2010 (the “Master Plan”), with such minor changes as the Planning Director or his designee determines does not change the basic concept or character of the development. Development of the building area labeled in the master plan as future expansion shall comply with all requirements of the Zoning Ordinance and shall be of similar use, scale, and architectural style as the proposed 5,700 square feet building and as determined by the Planning Director. Development of the Property, including development of the future expansion, as shown on the Master Plan, shall occur in accordance with the design standards of Section 24-370 of the Zoning Ordinance and with the Neighborhood Commercial Development Standards Policy adopted by the Board of Supervisors of James City County on March 23, 1999, and as determined by the Planning Director.
2. **Land Use:** The land uses of the Property shall include a house of worship and outreach services and other permitted accessory uses as determined by the Planning Director.
3. **Boundary Line Extinguishment (BLE):** Prior to final site plan approval, a plat showing the extinguishment of the common property line between the parcels located at 8798 and 8800 Pocahontas Trail must be submitted to the Planning Director for County review and approval.
4. **Architectural Review:** Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the final building elevations and architectural design for Grove Christian Outreach Center. Such building shall be reasonably consistent, as determined by the Planning Director or his designee, with the architectural elevations titled

“Grove Christian Outreach Center, Williamsburg, Virginia” submitted with this special use permit application and prepared by Guernsey Tingle Architects, date stamped April 13, 2010.

5. **Archaeology:** A Phase I Archaeological Study for the entire site shall be submitted to the Planning Director for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Planning Director for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II Study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Planning Director for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Planning Director prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior’s Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior’s Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.
6. **Lighting:** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. “Glare” shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
7. **Commencement of Construction:** Construction on this project shall commence within 36 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
8. **Severance Clause:** This SUP is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-0015-2010. Chanco’s Grant Greensprings Trail Amendment

Ms. Leanne Reidenbach, Senior Planner, stated that Mr. Bernard Farmer of James City County General Services has applied on behalf of Parks and Recreation for an amendment to SUP-0014-2003 to allow for the construction of an 8-foot-wide paved trail segment through a required 300-foot undisturbed buffer between the Five Forks Groundwater Treatment Facility and the Chanco’s Grant neighborhood. When the Five Forks Groundwater Treatment Facility was originally constructed, it was required to get an SUP. The original SUP (SUP-0022-2001) allowed construction of a Water Treatment Facility in the Five Forks area behind Clara Byrd Baker Elementary School and included provisions for the construction of a concentrate discharge main, water main, and six production wells. A condition was included that required the JCSA to

construct a greenway trail over a portion of the discharge main alignment. There was also a condition to provide a 300-foot undisturbed buffer along the southern property line of the facility adjacent to the Chanco's Grant neighborhood, but the condition specifically allowed for clearing necessary for construction of the greenway trail within this buffer area. This condition was initially put in place to provide a buffer between the unknown potential noise and visual impacts of the Groundwater Treatment Facility from the adjacent residential area.

Ms. Reidenbach explained that the trail is proposed to provide a connection between the Greensprings Trail network/Mainland Farm area and Clara Byrd Baker Elementary School/Five Forks area. Overall, the trail connection is approximately 1¼ miles long; however, only about 700 feet of the trail is located on the Five Forks Groundwater Treatment Facility property. This connection was identified as a priority project in the 2002 Greenways Master Plan and was reaffirmed as a top priority during public meetings regarding the 2005 bond referendum. Trail construction details are included as part of the master plan and will be eight feet in width and paved to accommodate multiple user groups and reduce required ongoing maintenance.

Staff found the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan.

At its meeting on July 7, 2010, the Planning Commission recommended approval of the SUP application by a vote of 6-0.

Staff recommended approval of the application.

Mr. Icenhour asked about negotiations with the homeowners association to be able to cross certain land.

Mr. Bernard Farmer, Capital Projects Administrator, stated that the property immediately adjacent to the Water Treatment Facility was owned by the County. He stated that immediately south of that was a parcel acquired from an adjacent property owner and there was a parcel on the St. George's Hundred side that was acquired, and then further south there was a parcel that was donated by the developer. He stated there were a number of acquisitions that help connect the property.

Mr. Icenhour thanked the homeowners associations that cooperated to make this trail possible.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak to this matter, Mr. Kennedy closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

RESOLUTION

CASE NO. SUP-0015-2010. CHANCO'S GRANT GREENSPRINGS TRAIL AMENDMENT

WHEREAS, the Board of Supervisors of James City County has adopted, by Ordinance, specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, water facilities (public and private), including transmission mains, are specially permitted uses in the R-8 Zoning District; and

WHEREAS, Mr. Bernie Farmer, James City County General Services, has applied for an SUP to amend the conditions of Case No. SUP-0014-2003 to allow for construction of a greenway trail at the Five Forks Groundwater Treatment Facility; and

WHEREAS, the property is located at 3123 Ironbound Road, zoned R-8, Rural Residential District, and further identified as James City County Real Estate Tax Map No. 4620100034; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 7, 2010, voted 6 to 0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0015-2010 as described herein with the following conditions:

1. Construction: Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this SUP, or the permit shall become void.
2. Compliance: Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. Permits: All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. Erosion and Sediment Control: The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development Plan: Development and land clearing of the site shall be generally in accordance with the "Preliminary Plan, Brackish Groundwater Desalinization Facility" prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
6. Spill Containment: Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Archaeology: A Phase I Archaeological Study for the any areas to be disturbed shall be submitted to the Director of Planning for review and approval prior to land disturbance for that area. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the

National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

8. Lighting: All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Director of Planning or his designee which indicates no glare outside the property lines. "Glare" shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining residential properties.
9. Architecture: Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials and colors, have a residential appearance, and are designed for minimal visual impact.
10. Landscaping: Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133 percent of evergreen trees required by the Zoning Ordinance or 125 percent of general planting required by the Zoning Ordinance as determined by the Director of Planning.
11. Utilities: The water main shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway, the existing James City Service Authority (JCSA) easement or within the Virginia Department of Transportation (VDOT) right-of-way.
12. Route 5 Buffer: A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site and any portion of the existing JCSA utility easement along John Tyler Highway. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Director of Planning.
13. Chanco's Grant Buffer: A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision. The buffer shall remain undisturbed with the exception of breaks for pedestrian connections, utilities, pedestrian walking and hiking trails, and other uses

specifically approved by the Director of Planning. Any approved breaks shall avoid any major disturbance and clearing or impacts on any trees larger than eight inches in breast height diameter.

14. Greenway Trail: The trail shall be generally located as shown on the plan titled "Project Location Map: Powhatan Creek Trail" dated June 2010, and drawn by the Williamsburg Environmental Group, Inc. with the ability to adjust the precise alignment to avoid specimen trees. The trail shall be built generally consistent with the design details shown on the plan titled "Cross Section Detail: Powhatan Creek Trail" dated June 2010, and drawn by Williamsburg Environmental Group, Inc.
15. Community Character: The applicant shall avoid removing trees, bushes, and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Director of Planning.
16. Dust and Siltation Control: For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
17. Access: Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
18. Construction Time: All construction activity for the concentrate discharge main and the water main extension adjacent to existing residential development shall occur between the hours of 8 a.m. and 5 p.m., Monday through Friday.
19. Vehicle and Equipment Storage: Construction vehicles and equipment shall not be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5 p.m. and 8 a.m.
20. Severability: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Case No. SUP-0017-2010. Ward Family Subdivision

Ms. Sarah Propst, Planner, stated that Mrs. Joyce Ward has applied for an SUP to allow a family subdivision resulting in a lot of less than three acres in size for family residential use. The lot is currently owned by Mrs. Ward and is planned to be transferred to her son, Mr. Stephen Ward. Mrs. Ward has lived on this property her entire life. An existing shared gravel driveway at 8897 Barnes Road will continue to be used as the primary point of access to the lot(s) (Condition No. 2). The existing lot is approximately 10.39 acres; the proposed family subdivision would result in a new one-acre lot and a remainder parent parcel of approximately 9.39 acres.

The majority of the surrounding properties range between one and ten acres and several of the properties were created as a result of a past subdivision. All adjacent parcels are zoned A-1 and designated Rural Lands by the 2009 Comprehensive Plan and are being used for single-family residences and agricultural uses.

Staff found the proposal to be consistent with the surrounding development and Section 19-17 of the James City County Subdivision Ordinance.

Staff recommended approval of the application.

Mr. Goodson asked if there would be a permanent right-of-way in the current driveway.

Ms. Propst stated there was currently a driveway that accesses the mobile home which would be used for the new lot.

Mr. Goodson asked if the existing driveway would have a right-of-way to the new lot.

Ms. Propst stated that was correct.

Mr. Icenhour asked if the mobile home was on the proposed lot.

Ms. Propst stated that the mobile home was located behind where the new lot would be located.

Mr. Icenhour asked if a new home would be built on the new lot.

Ms. Propst stated that the intention was for the son to build a home on the new lot.

Mr. Icenhour asked about assessment of the drain field which would be done during the site plan process.

Ms. Propst stated that was correct and the health department indicated no concerns related to the drain field.

Mr. Kennedy asked about a letter received from one of the neighbors.

Ms. Propst stated that she spoke with the neighbor who said she was no longer concerned with the subdivision. She noted that the neighbor expected the subdivision to be a larger development.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak to this matter, Mr. Kennedy closed the Public Hearing.

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

RESOLUTION

CASE NO. SUP-0017-2010. WARD FAMILY SUBDIVISION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, the applicants have requested an SUP to allow for a family subdivision with a lot less than three acres in size in an A-1, General Agricultural, District, located at 8879 Barnes Road, further identified on James City County Real Estate Tax Map No. 1010100020; and

WHEREAS, the Board of Supervisors, following a public hearing is of the opinion that the SUP to allow for the above-mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0017-2010 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of one new lot and one parent lot and shall be generally as shown on the plan titled "Barnes Road Ward Family Subdivision" and dated July 28, 2010.
 2. Only one entrance serving both lots shall be allowed onto Barnes Road.
 3. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
 4. The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
6. Ordinance to Amend Chapter 24, Zoning, Article I, In General, by Adding Section 24-24, Additional Requirements for Submittal; to Require Certain Applicants to Provide Evidence that all Delinquent Taxes on the Subject Property Have Been Paid

Mr. Rogers introduced Ms. Erin Waugh, an extern in the County Attorney's office. He also noted that Treasurer Ann Davis was in attendance.

Ms. Erin Waugh, Law Clerk, stated that the ordinance amendment before the Board would require applicants requesting special exceptions such as SUPs, land disturbing permits, and other permits to certify that they do not owe any outstanding taxes on the subject property. She stated that this certification can be easily obtained from the customer service window at the Treasurer's Office.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak to this matter, Mr. Kennedy closed the Public Hearing.

Mr. McGlennon made a motion to adopt the ordinance amendment. He complimented Ms. Ann Davis, current president of the Virginia Association of Treasurers. He noted that her organization has urged the State to allow local treasurers to collect delinquent State taxes.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

H. BOARD CONSIDERATION

1. Contract Award - Installation of Single-Mode Fiber Optic Cable

Mr. Tom Pennington, Director of Information Resources Management, requested approval of a contract for a fiber optic network that would be installed throughout the County, which would cost roughly \$1.7 million and take 18-24 months to install. He stated that the network would support all County schools, fire stations, and County buildings which were currently networked by fiber that was leased from Cox Communications. He stated this fiber network would complement the current network. He outlined the path of the fiber optic ring. He stated the funding would come from long-standing capital improvement project which was not previously constructed. He explained the benefits of the network and background on the contractor, Cable Associates. He noted that the redundant underground fiber optic ring improves reliability and expands possible use of the network. He requested approval of the resolution.

Mr. Goodson confirmed that the new fiber optic lines would not be on the same facilities as the current lines.

Mr. Pennington stated the underground lines would be separated from the current lines. He commented that he felt that this was one of the most important projects he has done for the County and places the County in a very beneficial position for the future.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

RESOLUTION

CONTRACT AWARD – INSTALLATION OF SINGLE-MODE FIBER OPTIC CABLE –

CABLE ASSOCIATES, INCORPORATED

WHEREAS, a Request for Proposals (RFP) has been advertised and evaluated for construction and installation of Single-Mode Fiber Optic Cable for the James City County Metropolitan Area Network (M.A.N.); and

WHEREAS, Cable Associates, Inc. has been determined to be the most fully qualified firm and its proposals best suited the County's needs as defined in the RFP for Installation of Single-Mode Fiber Optic Cable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract for installation of single-mode fiber optic cable with Cable Associates, Inc. in an amount not to exceed \$1,723,613.

I. PUBLIC COMMENT

1. Mr. Jay Everson, 109 Branscome Boulevard, commented that he was concerned about creating a special taxing district for Lake Powell and it would be set a precedent for localized problems. He stated that the Board should move to protect the environmentally sensitive land at Lake Powell.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh commented on a fire at National Pancake House on Pocahontas Trail and noted that there were no injuries and the fire was ruled an accident. He stated that the renter and owner have been contacted to determine any assistance that may be given by the County. He reminded the public that the County offices would be closed on Monday, September 6, 2010, for the Labor Day holiday and the next meeting would be held on September 14, 2010, at 7 p.m. He stated that the new school would be opened to students on September 7, 2010. He also noted that he would be out of town to facilitate his move from Florida in the coming weeks and Mr. Powell would be acting County Administrator in his absence. He stated that when the Board completes its business, it should hold a closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Planning Commission, Regional Issues Committee, and Economic Development Authority and then adjourn to 7 p.m. on September 14, 2010.

K. BOARD REQUESTS AND DIRECTIVES – None.

L. CLOSED SESSION

Mr. Goodson made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Planning Commission, Regional Issues Committee, and Economic Development Authority.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

At 8:23 p.m., Mr. Kennedy recessed the Board into Closed Session.

At 8:31 p.m., Mr. Kennedy reconvened the Board.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Sections 2.2-3711(A)(1) of the Code of Virginia, to consider a personnel matter, the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to appoint Mr. Steve Montgomery to a four-year term on the Economic Development Authority, term to expire on June 30, 2014.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

Mr. Goodson made a motion to appoint Mr. Tim O'Connor to an unexpired term on the Planning Commission, term to expire on January 31, 2013.

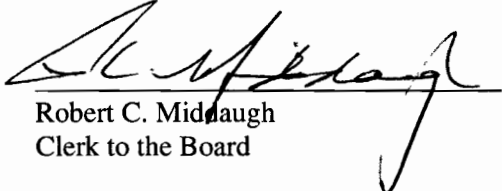
On a roll call vote, the vote was AYE: Goodson, Jones, Kennedy (3). NAY: McGlennon, Icenhour (2).

M. ADJOURNMENT to 7:00 p.m. on September 14, 2010.

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

At 8:34 p.m., Mr. Kennedy adjourned the Board until 7 p.m. on September 14, 2010.


Robert C. Middaugh
Clerk to the Board

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ADOPTED

AUG 10 2010

ORDINANCE NO. 31A-247

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY ADDING SECTION 24-24, ADDITIONAL REQUIREMENTS FOR SUBMITTAL

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by adding Section 24-24, Additional requirements for submittal.

Chapter 24. Zoning

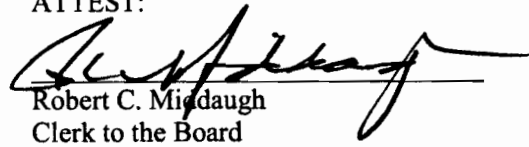
Article I. In General

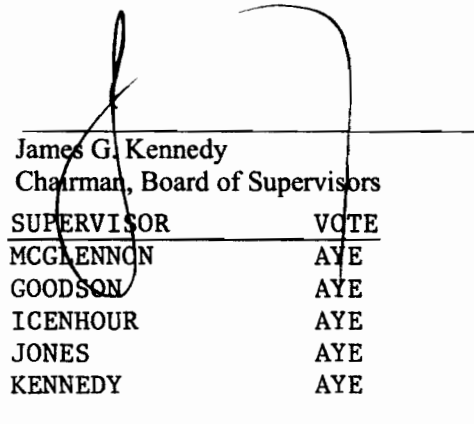
Section 24-24. Additional requirements for submittal.

Each person or entity submitting an application for consideration under the provisions of section 24-23 including a special use permit, variance, erosion and sediment control permit, building permit, or any other land disturbance or rezoning measure, shall attach to such application a signed statement from the county treasurer certifying that for property listed in the application all real estate taxes owed to the county have been paid in full. The statement of certification from the county treasurer shall be valid for 30 days. Should the application be submitted more than 30 days after the treasurer has certified payment of taxes, a new certification from the treasurer shall be required.

State law reference-Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties, Code of VA., §15.2-2286.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2010.

ZOCh24Amend_ord